

1 KEVIN V. RYAN (CASBN 118321)
United States Attorney

2 EUMI L. CHOI (WVSBN 0722)
3 Chief, Criminal Division

4 BLAKE D. STAMM (CTBN 301887)
5 Assistant United States Attorney

6 450 Golden Gate Avenue, Box 36055
7 San Francisco, California 94102
Telephone: (415) 436-7063
Fax: (415) 436-7234

8 Attorneys for Plaintiff

9 UNITED STATES MAGISTRATE COURT

10 NORTHERN DISTRICT OF CALIFORNIA

11 SAN FRANCISCO DIVISION

12 UNITED STATES OF AMERICA,) No. 3 06 70060 MEJ
13 Plaintiff,) ORDER AND STIPULATION FOR
14 v.) CONTINUANCE FROM MARCH 9, 2006
15 MICHAEL ANTHONY KENNELLY,) TO APRIL 10, 2006 AND EXCLUDING
16 Defendant.) TIME FROM THE SPEEDY TRIAL ACT
CALCULATION (18 U.S.C. §
3161(h)(8)(A)) AND WAIVING TIME
LIMITS UNDER RULE 5.1

17
18 With the agreement of the parties, and with the consent of the defendant, the Court enters
19 this order scheduling an arraignment or preliminary hearing date of April 10, 2006 at 9:30A.M.
20 before the duty magistrate judge, and documenting the defendant's waiver of the preliminary
21 hearing date under Federal Rule of Criminal Procedure 5.1 and the exclusion of time under the
22 Speedy Trial Act, 18 U.S.C. § 3161(b), from March 9, 2006 to April 10, 2006. The parties
23 agree, and the Court finds and holds, as follows:

24 1. The defendant agrees to an exclusion of time under the Speedy Trial Act, 18 U.S.C. §
25 3161(h)(8)(B)(iv) to provide continuity of counsel and reasonable time necessary for effective
26 preparation, taking into account the exercise of due diligence.

27 2. The defendant waives the time limits of Federal Rule of Criminal Procedure 5.1 for
28 preliminary hearing.

1 3. Counsel for the defense believes that postponing the preliminary hearing is in his
2 client's best interest, and that it is not in his client's interest for the United States to indict the
3 case during the normal 10-day timeline established in Rule 5.1 or within the period of
4 continuance, from February 13, 2006 to March 9, 2006, that he and his client have previously
5 agreed to.

6 5. The Court finds that, taking into the account the public interest in the prompt
7 disposition of criminal cases, these grounds are good cause for extending the time limits for a
8 preliminary hearing under Federal Rule of Criminal Procedure 5.1. Given these circumstances,
9 the Court finds that the ends of justice served by excluding the period from March 9, 2006 to
10 April 10, 2006 outweigh the best interest of the public and the defendant in a speedy trial. §
11 3161(h)(8)(A).

12 6. Accordingly, and with the consent of the defendant, the Court (1) sets a preliminary
13 hearing date before the duty magistrate judge on April 10, 2006 at 9:30A.M., and (2) orders that
14 the period from March 9, 2006 to April 10, 2006 be excluded from the time period for
15 preliminary hearings under Federal Rule of Criminal Procedure 5.1 and from Speedy Trial Act
16 calculations under 18 U.S.C. § 3161(h)(8)(A) & (B)(iv).

17
18 IT IS SO STIPULATED:

19
20 DATED: March 6, 2006

/S/

21 RON TYLER
Attorney for Defendant

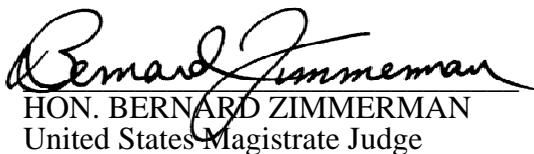
22
23 DATED: March 6, 2006

/S/

24 BLAKE D. STAMM
Assistant United States Attorney

25 IT IS SO ORDERED.

26
27 DATED: March 8, 2006

28 
HON. BERNARD ZIMMERMAN
United States Magistrate Judge